



Appeal Decision

Site visit made on 5 June 2026

by David Cross BA(Hons) PgDip(Dist) TechIOA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3rd July 2026

Appeal Ref: 6007317

Car Park Adjacent to 28 West Auckland Road, Darlington, DL3 9EP

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended) (the Regulations) against a refusal to grant express consent.
 - The appeal is made by Gary Cockerill of Alight Media against the decision of Darlington Borough Council.
 - The application Ref is 25/01374/ADV.
 - The advertisement proposed is installation of 1 x 48 sheet freestanding LED illuminated advertising display unit, measuring 6.4m in width x 3.4m in height and comprising a pressed metal frame and sealed LED screen.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Various descriptions and locations of the proposal have been given in the application and appeal documents. I have used those given in the Council's decision notice as these accurately represent the circumstances of the proposal.
3. Powers under the Regulations to control advertisements may be exercised only in the interests of amenity and public safety, taking into account the provisions of the development plan, so far as they are material, and any other relevant factors. In my determination of this appeal the Council's policies have not therefore, by themselves, been decisive.

Main Issue

4. The main issue is the effect of the proposal on amenity, with due regard to visual amenity and disabled parking.

Reasons

Visual Amenity

5. The appeal site is located on the edge of a car park which serves a nearby supermarket and hot food takeaway. The sign would be located adjacent to the gable wall of a 2-storey building which includes a commercial use on the ground floor. The site is adjacent to the busy A68 through-road and is part of a small commercial area which contains a mix of uses, including some residential properties.
6. The area contains a mix of signage and advertisements, although these are primarily associated with the frontage of commercial properties and are not of the

scale and form of the proposal. The existing gable wall is a prominent if understated feature within the streetscape.

7. Due to its scale and illumination, the appeal proposal sited in this prominent location would be an obtrusive feature within the streetscape, even allowing for the mixed commercial character and levels of traffic within this well-lit area. The scale of the proposal as well as the illumination resulting from the display and the frequent change in images would be of a materially different character compared to existing signage in the area. The prominence of the advertisement would be exacerbated by the digital display and luminance, as well as the sequentially changing nature of the images. Although the advertisement would be viewed against the massing of the gable wall, this would not be sufficient to mitigate for the unacceptable contrast with the extant understated appearance of the gable.
8. There are also residential properties which look onto the appeal site, including dwellings on West Auckland Road as well as views from the rear of Moorlands Road. The appeal proposal would be an intrusive and dominant feature in views from these properties, even allowing for the oblique angle of some of the views, levels of traffic and the mixed commercial nature of the streetscape. Whilst the level of illumination and hours of operation could be controlled, this would not mitigate for the introduction of a large elevated illuminated advertisement on a site where one does not currently exist. The regular change in images would also draw the eye and be an unduly distracting feature for residents.
9. Reference has been made to a previous hoarding located on the gable wall. However, this was removed a number of years ago and it has not been established if the hoarding was illuminated. In any event, the form of the proposed display with regularly changing images would be materially different from even an illuminated paper and paste hoarding. Due to the length of time since the previous hoarding was in place and the differing form of the appeal proposal, the existence of a previous hoarding on the site carries little, if any, weight in favour of the appeal.
10. The appellant refers to consents granted for advertisements elsewhere which are of a similar size, form and orientation as the appeal proposal. However, it has not been demonstrated that they mirror the circumstances of the appeal proposal, particularly with regard to the history of the site or the relationship with residential properties. In any event, I have determined this appeal on its own merits.
11. The appellant also refers to suggested conditions, including with regards to the level of illumination, the timing of operation and the form of the images displayed. However, I am not persuaded that such conditions would mitigate for the scale and obtrusive location of the proposal.
12. I conclude that, due to its scale, siting and illumination, the proposed advertisement would have a significant adverse effect on the amenity of the area. I have taken into account Policy DC1 of the Darlington Local Plan 2022 (the Local Plan), and given that I have concluded that the proposal would harm visual amenity then the proposal conflicts with the character and local context considerations of that Policy.
13. The proposal would also be contrary to the National Planning Policy Framework (the Framework) which advises that the quality and character of places can suffer when advertisements are poorly sited and designed.

Amenity – Disabled Parking

14. One of the supporting poles for the advertisement would be located within an area used as a disabled car parking space as shown on the existing layout plan. The evidence suggests that the pole would be located in the hatched area around the space rather than in the actual parking space. However, the pole would hinder access to the vehicle for people with disabilities, such as gaining access to the boot of the car. This would affect the amenities of people with disabilities who could reasonably expect the availability of convenient disabled parking provision when accessing facilities.
15. The appellant submits that the matter of disabled parking falls outside of the scope of what can be considered and controlled through an advertisement application. In this respect, the Regulations state that “amenity” includes aural and visual amenity. However, the Planning Practice Guidance states that “amenity” is not defined exhaustively in the Regulations¹. It goes on to state that it is a matter of interpretation by the local planning authority (and the Secretary of State) as it applies in any particular case. In practice, “amenity” is usually understood to mean the effect on visual and aural amenity. However, I consider that the issues referred to are not a closed list, and in the circumstances of this particular case the effect of the proposal on the convenience of access to parking for disabled drivers is an issue of amenity.
16. The appellant has submitted a revised layout for the car park which moves the disabled parking bay away from the advertisement and which they contend provides safer and more convenient access. At the time of my visit, I saw that the layout of the car park had changed from that shown on the originally submitted plans, with a disabled parking space in approximately the same location as on the revised layout. The amended layout plan indicates that a revised car parking layout could address concerns relating to access to the disabled parking space. This could be ensured by condition, which would enable the layout to be submitted to the Council for approval.
17. Subject to an appropriate planning condition, I conclude that the proposal would not harm the amenities of people with disabilities in respect of access to disabled parking. I have taken into account Policies IN2 and IN4 of the Local Plan, and for the reasons given the proposal would not conflict with the accessibility and parking considerations of those Policies. The proposal would also not conflict with the Framework regarding the promotion of sustainable transport.

Other Matters

18. The Regulations require that I also assess the proposal in respect of the interests of public safety. The Council has not raised any concerns regarding public safety. Based on what I have seen and read, I also conclude that the proposal would not harm public safety.
19. The appellant has referred to a number of benefits of the proposal, including the potential for the sign to be used by the Council, community groups, local businesses and the emergency services. The proposal would also be more efficient in respect of energy and the frequency of visits compared to traditional advertising formats. There may also be wider economic benefits arising from advertising

¹ Paragraph: 079 Reference ID: 18b-079-20140306

businesses and services. However, advertisements should be subject to control only in the interests of amenity and public safety. On that basis, the benefits referred to by the appellant do not weigh in favour of the appeal.

Conclusion

20. Notwithstanding my conclusions in respect of the effect of the proposal on the amenity of people accessing a disabled parking space, I have concluded that the proposal would lead to significant harm to the visual amenity of the area. For the reasons given above the appeal should be dismissed.

David Cross

INSPECTOR